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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,191	06/13/2001	Ippo Aoki	209820US2S	4044
22850	7590	01/26/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2645	
DATE MAILED: 01/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/879,191	Applicant(s) AOKI ET AL.	
	Examiner Md S Elahee	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 12/16/04. Claims 1-18 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-18 have been fully considered but are moot in view of ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (U.S. Patent No. 6,493,561) and in view of Korpela et al. (U.S. Patent No. 6,167,283).

Regarding claims 1, 5, 8 and 14, Hasegawa teaches means for storing, for each geographical area, identification information (i.e., system IDs), priority data associated with each of the identification information (i.e., system IDs) and information indicating different types of service (fig.6, fig.7; col.2, lines 24-34, col.5, lines 51-67, col.6, lines 1-10, 22-46, col.12, lines 53-64, col.39, lines 16-26). (Note: Since, the base station is offering announcement information such as message type, location code, transmission power level as well as telecommunication service, it offers different types of service)

However, it is not clear whether Hasegawa teaches means for storing information on whether each of the base station can offer a type of service. Korpela teaches memory [i.e., means] for storing information on whether each of the base station can offer a type of service (fig.2; col.5, lines 33-60). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hasegawa to incorporate means for storing information on whether each of the base station can offer a type of service as taught by Korpela. The motivation for the modification is to have doing so in order to provide the mobile user an option to select a particular base station for a particular service.

Hasegawa further teaches means for receiving one of the broadcasted identification information (i.e., system IDs) (col.6, lines 22-46, col.12, lines 53-64).

Hasegawa further teaches that first means for connecting (i.e., seizing), based on the stored priority data, one of the base stations operating in a geographical area for which the received identification information (i.e., system ID) is stored to set the apparatus in an idle state (fig.7; col.6, lines 22-46, col.12, lines 53-64, col.38, lines 24-44, 59-67, col.39, lines 1-26).

Hasegawa further teaches means for inputting a request for a desired type of service while the apparatus is in the idle state (col.5, lines 51-67, col.6, lines 1-10, 22-46, col.38, lines 24-28, 59-67, col.39, lines 1-15).

Hasegawa further teaches means, in response to the request, for determining whether the base station offers the type of service in the geographical area based on the information stored for the geographical area (col.5, lines 51-67, col.6, lines 1-10, 22-46, col.38, lines 24-28, 59-67, col.39, lines 1-26).

Hasegawa further teaches reception level measuring unit (i.e., second means) for connecting (i.e., seizing), based on the stored priority data and the stored transmission power level or reception level [i.e., information], one of the base stations offering the desired type of service in the geographical area the determining means determines that a base station seized by the first means does not offer the desired type of service (fig.6, 7, 20, 31; col.5, lines 51-67, col.6, lines 1-10, 22-46, col.12, lines 53-64, col.14, lines 42-62, col.38, lines 24-44, 59-67, col.39, lines 1-26).

Regarding claims 2, 7, 10 and 18, Hasegawa teaches when the second means failed to seize the base station of the lowest priority, the receiving means newly receives a system ID and the second means seizes one of the base stations operating in a geographical area for which the newly received system ID is stored to set the apparatus in an idle state (col.38, lines 59-67, col.39, lines 1-3, 16-50).

Regarding claims 3, 6, 9 and 13, Hasegawa teaches that the storing means stores frequency data items associated with each of the system IDs, and the second means seizes a base station offering the desired type of service in accordance with the frequency data when the determining means determines that the base station seized by the first means does not offer the desired type of service (col.5, lines 51-67, col.6, lines 1-10, 22-46, col.12, lines 53-64, col.39, lines 16-26).

Regarding claims 4, 12 and 15, Hasegawa teaches means for transmitting the request to the base station seized by the second means (col.5, lines 51-67, col.6, lines 1-10, 22-46, col.39, lines 16-26).

Regarding claim 11 is rejected for the same reasons as discussed above with respect to claims 1 and 2.

Regarding claim 16 is rejected for the same reasons as discussed above with respect to claim 11.

Regarding claim 17 is rejected for the same reasons as discussed above with respect to claim 1.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Benz et al. (U.S. Pub. No. 2001/0003095) teach Method and radio communication system for data transmission.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703)305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703)305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2645

M.E.

MD SHAFIUL ALAM ELAHEE

January 24, 2005



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SUPERVISORY PATENT EXAMINER
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